

Remarks

Claims 18 and 29-56 are currently pending. Claims 31-48 have been withdrawn from consideration. Claims 50-56 have been canceled without prejudice. Claims 18, 29, 30 and 49 have been amended. Support for the claim amendments can be found throughout the specification (*see, e.g.*, Examples 1-10). No new matter has been added.

Amendment or cancellation of claims should in no way be construed as an acquiescence to any of the Examiner's rejections. Claims 50-56 have been canceled solely for business purposes. The amendments to the claims are being made solely to expedite prosecution of the present application. Applicants maintain the right to prosecute the subject matter of any canceled or amended claim in one or more related applications.

Interview Summary Record

Applicants and Applicants' representatives thank Examiner J. Douglas Schultz and Primary Examiner Sean McGarry for the courtesy of the recent telephone interview in connection with the above-identified application. The interview was conducted on April 20, 2004 ("the Interview") between Examiners Schultz and McGarry and Applicants' representatives, the undersigned and attorney Evangeline Shih on behalf of the licensee of the above-identified application. During the Interview, the outstanding Office Action was discussed. In particular, Applicants' representatives sought further clarification of the rejection of claims 50-56. Applicants' representatives and Examiners Schultz and McGarry discussed compliance with the requirements of 35 U.S.C. §112, first and second paragraphs. In particular, Applicants' representatives explained to the Examiners that in view of the state of the art and based on the teachings of the specification, the skilled artisan would understand that screening for compounds which reduce lipolysis would be an art-accepted strategy for identifying compounds useful in the treatment of diseases associated with lipolysis. In response, the Examiners indicated their willingness to consider such reasons and arguments if submitted in Applicants' response. Applicants' representatives thank the Examiners for their time and consideration.

Rejection of claims 18, 29, 30 and 49-56 under 35 U.S.C. 112, second paragraph

Claims 18, 29, 30 and 49-56 were rejected under 35 U.S.C. 112, second paragraph, as "being incomplete for omitting essential steps, such omission amounting to a gap between the steps." Applicants respectfully traverse this rejection.

However, in the interest of expediting prosecution, Applicants respectfully submit that claims 18, 29 and 30 have been amended, and as amended are believed to obviate the Examiner's rejection of these claims as omitting step(s) for determining whether any reduction in lipolysis is TNF- α -mediated.

Moreover, for business reasons, claims 50-56 have been canceled without prejudice in favor of pursuing such claims in one or more related applications.

Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection of claim 18 under 35 U.S.C. 112, first paragraph, written description

Claim 18 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

The Examiner stated that "the specification does not support claims to any compound capable of inhibiting any two or all three of ERK1, ERK2 and JNK2." Claim 18 has been amended, and as such is believed to obviate this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

The Examiner may address any questions raised by this submission to the undersigned at 617-832-1000.

No fees are believed to be due in connection with this submission. However, if any fees are due, the Commissioner is hereby authorized to charge the necessary amount to our Deposit Account No. 06-1448, ref. TUV-005.01.

Respectfully submitted,
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